

2022 -- H 8032

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO HEALTH AND SAFETY -- LICENSING OF NURSING SERVICE
AGENCIES

Introduced By: Representatives Bennett, Casimiro, Potter, Ajello, Handy, Speakman,
Carson, Edwards, Fogarty, and Slater

Date Introduced: March 23, 2022

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-17.7.1-3, 23-17.7.1-10 and 23-17.7.1-11 of the General Laws in
2 Chapter 23-17.7.1 entitled "Licensing of Nursing Service Agencies" are hereby amended to read
3 as follows:

4 **23-17.7.1-3. Licensing of nursing service agencies -- Rules governing establishment of**
5 **fees.**

6 (a) The director may establish reasonable fees for the licensure application, licensure
7 renewal, and administrative actions under this chapter. Annual licensure fees shall be five hundred
8 dollars (\$500) per licensee.

9 (b) The department of health shall promulgate licensure standards, and rules and
10 regulations governing the operation of nursing service agencies to protect the health and welfare of
11 patients. These regulations shall include, but not be limited to, employee bonding, maintenance of
12 service records, and appropriate staff professional registration and certification, licensure training,
13 supervision, health screening and liability insurance.

14 (c) A nursing service agency's maximum rate for services provided to a client, including,
15 but not limited to, a health care facility and assisted living residence, by a nurse or nurse aide may
16 not exceed two hundred percent (200%) of the regional average hourly wage of each position. The
17 department of health shall use and publish the most current median hourly wage data reported by
18 the United States Department of Labor Bureau of Labor Statistics (BLS) wage estimates for the

1 state. The positions subject to the provisions of this subsection shall include registered nurses
2 (RNs), licensed practical nurses (LPNs), certified nurse assistants (CNAs), medication aides, med
3 technicians, therapists and therapist aides. The maximum rate shall include all charges for
4 administrative fees, contract fees, or other special charges in addition to the hourly rates for the
5 nursing personnel supplied to a client.

6 **23-17.7.1-10. Regulations, inspections, and investigations.**

7 (a) The licensing agency shall, after a public hearing pursuant to chapter 35 of title 42, give
8 notice, adopt, amend, promulgate, and enforce any rules and regulations and standards with respect
9 to nursing service agencies to be licensed under this chapter that may be designed to further the
10 accomplishment of the purposes of this chapter in promoting safe and adequate care of individuals
11 receiving nursing and nursing assistant services, in the interest of public health, safety, and welfare.
12 All licensed nursing service agencies shall be required to protect clients by insuring that all persons
13 whom it employs receive training and/or competency evaluation pursuant to the provisions of §§
14 23-17.9-3 and 23-17.7-11. The licensing agency shall make or cause to be made any inspections
15 and investigations that it deems necessary including service records. Inspection of records may
16 include, but are not limited to:

17 (1) Records of required health examination which shall be kept confidential, all required
18 medical records including COVID-19 testing results, and all required vaccinations required by the
19 department; and

20 (2) Personnel file and folder for each employee; which includes documented evidence of
21 credentials and other appropriate data, including documentation of orientation, and quarterly in-
22 service education, records of completion of required training and educational programs, medical
23 records, and criminal background checks.

24 (b) The staffing agency shall maintain insurance coverage for workers compensation for
25 all nurses, med technicians, certified nursing assistants, therapists and therapist aides provided or
26 procured by the agency.

27 **23-17.7.1-11. Training and/or competency evaluation program for nursing assistants.**

28 (a) Every individual who is employed to provide nursing assistant services shall be required
29 to be registered as required by chapter 17.9 of this title.

30 (b) An in-service educational program for direct patient care personnel shall be provided
31 on an ongoing basis which shall include orientation for new personnel and periodic programs
32 conducted at a minimum quarterly totaling a minimum of twelve (12) hours of instruction annually
33 for the continued improvement and development of skills of direct care personnel, including
34 competency training and department required training based on licensure.

1 SECTION 2. Chapter 23-17.7.1 of the General Laws entitled "Licensing of Nursing
2 Service Agencies" is hereby amended by adding thereto the following sections:

3 **23-17.7.1-22. Employment prohibitions.**

4 (a) No nursing service agency may recruit and/or hire potential employees from a client
5 which the nursing service agency actively provides nursing personnel services to the client under
6 contract.

7 (b) The nursing service agency shall not, in any contract with any employee of a client,
8 require the payment of liquidated damages, employment fees or other compensation should the
9 employee be hired as a permanent employee of a client provider.

10 **23-17.7.1-23. Annual reporting requirements.**

11 (a) The agency shall submit an annual statistical report to the department of health. The
12 report shall include information required by the department pursuant to rules and regulations to
13 include, but not be limited to:

14 (1) Mean, median, and average salaries and hourly pay rates of employees, by employment
15 type;

16 (2) Number of employees currently employed;

17 (3) Number of employees terminated during the reporting period;

18 (4) Number of employees reported to the office of the attorney general for suspected
19 violation of law; and

20 (5) Number of employees reported to the department for suspected abuse, neglect,
21 misappropriation, or job abandonment.

22 (b) For every person placed for employment, or temporary performance of services by an
23 employment agency with a health care provider employer, the employment agency shall annually
24 report:

25 (1) The amount charged for each person;

26 (2) The amount paid to each person;

27 (3) The amount of payment received that is retained by the employment agency; and

28 (4) Any other information that the department, in conjunction with the Family and Social
29 services administration, determines relevant to determine how much health care provider
30 employers who participate in Medicare and Medicaid are charged by employment agency services.

31 (c) Reports under this section shall be submitted by the employment agencies no later than
32 thirty (30) days after the end of the calendar year.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HEALTH AND SAFETY -- LICENSING OF NURSING SERVICE
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1 This act would establish a nursing service agency's maximum rate of two hundred percent
2 (200%) of the regional average hourly wage for each position for services provided to a client,
3 including, but not limited to, a health care facility and assisted living residence, by a nurse or nurse
4 aide. Additionally, this act would create employment prohibitions which would not allow a nursing
5 service agency to recruit and /or hire potential employees from a client to which it actively provides
6 services under contract. Also, this act would create annual reporting requirements for certain
7 statistics to the department in order for the department to enforce the provisions of this act.

8 This act would take effect upon passage.

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